

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ALAN LUCAS	§	
VS.	§	CIVIL ACTION NO. 1:22-cv-67
TEXAS	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Alan Lucas, an inmate at the Hughes Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Plaintiff complains that the State of Texas is no longer following the United States Constitution and, therefore, has forfeited the right to confine him.

Analysis

The Civil Rights Act, 42 U.S.C. §1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

Plaintiff does not assert jurisdiction is based on diversity of citizenship. When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only

in the judicial district where the Defendants reside or in which the claim arose. Plaintiff is currently confined at the Hughes Unit located in Gatesville, Coryell County, Texas. In accordance with 28 U.S.C. § 124, Coryell County, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, Waco Division. Plaintiff has alleged no basis for jurisdiction which would allow him to bring his lawsuit in the Eastern District of Texas. Therefore, the action should be transferred to the district where Plaintiff is confined and his claim arose, the Western District of Texas.

As Gatesville, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). This case should be transferred to the United States District Court for the Western District of Texas, Waco Division. An appropriate Order so providing will be entered by the undersigned.

SIGNED this the 28th day of February, 2022.

A handwritten signature in black ink, appearing to read 'C. L. Stetson', is written above a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE